

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0402

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ROBERT HOUGHTON,

Defendant and Appellant.

FILED

FEB 25 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME AND  
AFFIDAVIT IN SUPPORT**

The Appellee, State of Montana, respectfully requests an extension of time until March 15, 2010, in which to prepare, serve, and file its response brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 25th day of February, 2010.

STEVE BULLOCK  
Montana Attorney General  
P.O. Box 201401  
215 North Sanders  
Helena, MT 59620-1401

By: *Michael Wellenstein*  
MICHEAL S. WELLENSTEIN  
Assistant Attorney General

STATE OF MONTANA            )  
  : ss.  
County of Lewis and Clark    )

I, Micheal S Wellenstein, being first duly sworn upon my oath, depose and state as follows:

1. I am an Assistant Attorney General for the State of Montana and have been assigned to prepare the State's response brief in the above-entitled matter.

2. The Appellee's brief was originally due on December 30, 2009. This Court has previously granted the Appellee two extensions of time to file its brief. The Appellee's brief is presently due on March 4, 2010.

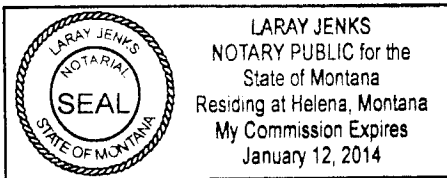
3. Due to my past and present workload, I cannot meet the present deadline for filing the Appellee's response brief. My workload is as follows:

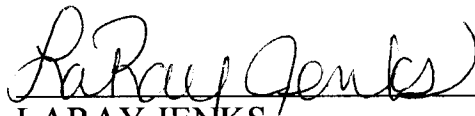
- (a) Worthan v. State, Mont. Sup. Ct., No. DA 09-0503, State's brief filed on February 2, 2010;
- (b) In re Z.J., N.L., and B.S., Mont. Sup. Ct., No. DA 09-0476, State's brief filed on February 22, 2010; and
- (c) Participating in moot court arguments in State v. Haagenson, Mont. Sup. Ct., DA 09-0471 and Weaver v. Attorney General, Ninth Cir. Ct. No. 08-36057.

4. The Appellate Defender's Office has been contacted concerning this motion, and they have no objection.

  
MICHEAL S. WELLENSTEIN

SUBSCRIBED AND SWORN to before me this 25th day of February, 2010.



  
LARAY JENKS

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing Motion for Extension of Time to be mailed to:

Ms. Kelli S. Sather  
Assistant Public Defender  
Region 2-Missoula  
610 N. Woody  
Missoula, MT 59802

Mr. Marty Lambert  
Gallatin County Attorney  
1709 W. College  
Bozeman, MT 59715

DATED: February 25, 2010 